

DISTRICT COURT'S OFFICE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

2008 AUG -5 A 10:43

DISTRICT COURT
OF SOUTH CAROLINA
CHARLESTON, SC

MOHAMMAD F. AL SHAMLEH,)
MAH'D F. AL AHAMLEH,)

Petitioners,)

-versus-)

C. A. No. 2:08-1949-MBS-RSC

REPORT AND RECOMMENDATION

CHRISTINA POULOS, IN HER)
OFFICIAL CAPACITY, DIRECTOR)
CALIFORNIA SERVICE CENTER,)
U. S. CITIZENSHIP AND)
IMMIGRATION SERVICES,)
DEPARTMENT OF HOMELAND)
SECURITY; JONATHAN SCHARFEN,)
IN HIS OFFICIAL CAPACITY,)
ACTING DIRECTOR, UNITED STATES)
CITIZENSHIP AND IMMIGRATION)
SERVICES, DEPARTMENT OF)
HOMELAND SECURITY; AND MICHAEL)
CHERTOFF, IN HIS OFFICIAL)
CAPACITY, SECRETARY,)
DEPARTMENT OF HOMELAND)
SECURITY,)

Respondents.)

Petitioner Mohammad F. Al Shamleh is a United States citizen and the father of a daughter, Hala M. Al Shamleh, who is not a citizen of the United States. Petitioner Mah'd F. Al Shamleh is a United States citizen and the father of a son, Fathi M. Al Shamleh, who is not a United States citizen. The Petitioners filed the instant petition seeking declaratory and mandatory relief to compel the Department of Homeland Security (DHS) to adjudicate in an expedited manner, the Petition for Immediate

Relative Visa (Form I-130) on behalf of their respective children.

The Respondents, officials of the United States Department of Homeland Security, have moved to dismiss the petition asserting that the petition is moot because DHS records reflect that the Petitioners' I-130 Immediate Relative Visa Petitions for the children have been adjudicated and approved. Accordingly, they assert, any action by the Court on this issue would make no difference to the legal interests of the petitioners.

The Petitioners have responded by a letter to the court indicating, "I want to dismiss any action and any motion . . . I received my approval notice . . ., therefore no forward action is needed." The letter is signed by both Petitioners.

Accordingly, it is recommended that the petition herein be dismissed as moot.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Robert S. Carr", is written over the printed name.

Robert S. Carr
United States Magistrate Judge

Charleston, South Carolina

August 4, 2008

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Court Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. In the absence of a timely filed objection, a district court judge need not conduct a de novo review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310 (4th Cir. 2005).

Specific written objections must be filed within ten (10) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The time calculation of this ten-day period excludes weekends and holidays and provides for an additional three (3) days for filing by mail. Fed. R. Civ. P. 6(a) & (e). Filing by mail pursuant to Fed. R. Civ. P. 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
P.O. Box 835
Charleston, South Carolina 29402

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985).